

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

CYNTHIA B. SCOTT, *et al.*,)
)
)
Plaintiffs,)
) Case No. 3:12-cv-00036-NKM
v.) Sr. Judge Norman K. Moon
)
HAROLD W. CLARKE, *et al.*,)
)
)
Defendants.)
)

**JOINT MOTION TO SEAL MEDICAL RECORDS
PURSUANT TO SETTLEMENT AGREEMENT**

Pursuant to Local Civil Rule 9, the Parties, through their undersigned counsel, jointly move this Court to seal medical records admitted at the hearing on May 22, 2019 for Plaintiffs' Motion for Emergency Enforcement Pursuant to Settlement Agreement. Records that should be sealed include: Plaintiffs' Exhibits 1, 2, 3, and 6 and Defendants' Exhibits 1 and 2. All of these exhibits contain unredacted medical records of Margie Ryder and must be sealed to protect Ms. Ryder's confidentiality and privacy interests.

"The public's right of access to judicial records and documents may be abrogated only in unusual circumstances." *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000). With respect to the sealing of documents that would otherwise be placed onto the public record, the Fourth Circuit has held as follows:

[B]efore a district court may seal any court documents . . . it must (1) provide public parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and rejecting the alternatives.

Id.

The sensitive medical information of Ms. Ryder, just one of the Plaintiffs in this class action, should not be accessible to the public at large. The confidentiality of Ms. Ryder's medical records coupled with the Parties' limited request to seal only her medical records, weigh in favor of the Court granting the Motion to Seal the medical records.

For the reasons stated above the Parties' respectfully request that the Court grant their Motion to File Plaintiffs' Exhibits 1, 2, 3, and 6 and Defendants' Exhibits 1 and 2 Under Seal and grant them any further relief as the Court deems just and proper.

DATED: MAY 24, 2019

By: /s/Brenda E. Castañeda
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Respectfully submitted,

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By: /s/Nathan H. Schnetzler
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Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of May, 2019, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

/s/Brenda E. Castañeda

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PROPOSED ORDER TO SEAL

This matter came before the Court on a Joint Motion of the Parties, by counsel, to file under seal Plaintiffs' Exhibits 1, 2, 3, and 6 and Defendants' Exhibits 1 and 2 from the May 22, 2019 hearing on Plaintiffs' Motion for Emergency Enforcement Pursuant to Settlement Agreement. Consistent with Local Rule 9 and Federal Rule of Civil Procedure 5.2, the Court hereby GRANTS the motion and ORDERS that the above-mentioned documents be sealed. These documents will remain sealed until further order of this court.

It is so ORDERED.

ENTERED this _____ day of May 2019.

BY THE COURT:

UNITED STATES DISTRICT COURT JUDGE

WE ASK FOR THIS:

By: /s/Brenda Castañeda

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